Remarks

Claims 1-4, 6-7 and 9-19 are rejected under 35 USC 102(e) as being anticipated by Chong et al. (US Patent No. 6,205,557).

With regard to claim 1, the office action states that Chong teaches 'determining that a first processor requires maintenance (Col. 3, lines 11-14).' However, Chong, col. 3:11-14 states, "As shown in Fig. 3, the database 103 may include the standby call server 141. In one embodiment, the standby call server 141 is used to backup the active call server 140 *in the event of a failure of the active call server* 140 [emphasis added]."

There seems to be confusion over the triggering event that causes the backup call processor to be started. In Chong, a backup call server is used when the primary call server fails. The call is transferred because the query processor has failed. In the invention as claimed above, all active calls are transferred because the processor requires maintenance, not repair. This leads to several other differentiating factors of the claimed invention.

The office action continues on to state that Chong teaches, 'initializing a second processor (Fig. 3, server 141) residing in the network device with the first processor (Col. 5, lines 22-23) with the information *while the current call is being processed on the first processor* [emphasis added].' However, as the only time a switch is made from the call server to the backup call server in Chong is when the call server has failed, see the quote from Chong above. Therefore, as the first processor has failed, it cannot be processing the current call when the second server is being initialized. See col. 5, lines 20-32.

The office action also states that Chong teaches, 'releasing the first processor from further processing of the call.' This is not true for the same reason as the second call server is not being initialized to handle the call while the first processor is processing the call, as the first processor has failed. The disclosure of Chong makes no mention of releasing the processor. As the processor has already failed, it would see that it is by default released from further processing and no explicit release message is needed nor taught in Chong.

The office action then states that Chong teaches, 'repeating the switching of call from the first processor until the first processor is free for maintenance (Col. 5, lines 18-19 and lines)." Applicant is not sure if the Examiner intended to list a separate set of lines to provide support for this allegation, but col. 5, lines 18-19 merely state, "The call information is then copied and a copy 123 is forwarded to the standby call server." The call information and the copy both refer

to the current call. There are no other calls taught, suggested or mentioned in Chong, so Chong cannot teach repeating the transfer of calls.

Claims 1 and 9 previous to amendment already required, "determining that a first processor requires maintenance;" initializing a second processor...while the current call is being processed on the first processor;" "releasing the first processor..;" and "repeating the switching..;" none of which is shown, taught or suggested by Chong.

With regard to claims 12 and 13, it must be noted that the Examiner has interpreted the database 103, which includes an active call *server* 140, a standby call *server* 141, a high speed interface (such as a LAN, see Chong, col. 3, lines 6-7), two interface servers 120 and two administrative servers 150 and 151 as being contained in one device. As no definition of server is given in Chong, the plain meaning of the term server would generally indicate that the database 103 is a logical grouping of several devices not one network device. This is supported by the description of Figure 3 in the Brief Description of the Drawings as 'a distributed database architecture.' A distributed database architecture involves distributing various pieces of a database among several devices. Therefore, DB103 is not a single network device.

Further with regard to claims 12 and 14, the network device has to have the ability to "determine that a first processor requires maintenance;" and "switch each active call from one entity to another without out interruption and to repeatedly switch active calls..." Neither of these is shown in Chong, as part of DB103, or any other device.

It is therefore submitted that claims 1, 9, 12 and 13, and their respective dependent claims 2-4, 6-7, 10-11, 13, and 16-19 are patentably distinguishable over the prior art and allowance of these claims are requested.

Claims 5 and 8 are rejected under 35 USC 103(a) as being unpatentable over Chong. The office action makes a general statement that it would be obvious to use compression. However, no support is given this allegation, and there is no reference in the cited prior art to the user of compression. Further, even if using compression would be obvious, it would not be obvious to load the compression dictionaries as claimed. There are other means to synchronize compression methodologies. Similarly, Chong makes a very detailed list of things included in the call information at col. 3, lines 33-43, 49-55 and 57-64, yet does not mention any country code. It would therefore not be obvious to use a country code.
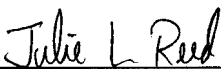
It is therefore submitted that claims 5 and 8 are patentably distinguishable over the prior art and allowance of these claims is requested.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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